

SAFE DRINKING WATER ACT9-32. Administrative Enforcement Authority Under Part B:
Proposed and Final Orders and Agency Representation in
Hearings1. AUTHORITY. Pursuant to the Safe Drinking Water Act (SDWA), Part B:

- a. to issue proposed orders requiring compliance;
- b. to provide the primacy State an opportunity to confer;
- c. to conduct and represent the Agency in a public hearing;
- d. to amend or withdraw proposed orders requiring compliance; and
- e. to issue final orders requiring compliance.

2. TO WHOM DELEGATED. Director, Water Protection Division (WPD); Associate Division Director, ~~Office of Compliance and Enforcement~~ Office of Drinking Water & Source Water Protection, WPD; Chief, ~~Safe Drinking Water Act Branch~~ Ground Water & Enforcement Branch, WPD, and Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ), are delegated authorities 1.a. through 1.e. above. Staff in the Safe Drinking Water Act Branch Ground Water & Enforcement Branch, WPD, and OECEJ are delegated authority 1.c. only.

3. LIMITATIONS.

a. The delegates must obtain the concurrence of Regional Counsel before exercising these authorities.

b. The public hearings in 1.c., above, are for the purpose of gathering information only, pursuant to §1414(f) of the SDWA.

c. The Director OECEJ may exercise these authorities only in multi-media cases.

d. The Director OECEJ must consult with the WPD delegates before exercising these authorities.

4. REDELEGATION AUTHORITY. These authorities may not be redelegated without formal amendment.

SAFE DRINKING WATER ACT

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Hearings (Cont.)

5. ADDITIONAL REFERENCES.

- a. See the Chapter 9 delegations entitled:
 - (1) “Civil Judicial Enforcement Actions.”
 - (2) “Emergency Administrative Powers.”
- b. Section 1414(a)(1)(A) and (B), (f),(g)(1) and (g)(2) of the SDWA.
- c. Section 1445 of the SDWA.
- d. Guidance on Headquarters Involvement in the Issuances by Regions of the First Proposed and Final Administrative Orders.
- e. 40 CFR 142 Subpart J - Procedures for PWS Administration Compliance Orders.

6. SUPERSESSION. Delegations Manual, SDWA, Regional Delegation 9-32. Administrative Enforcement Authority Under Part B: Proposed and Final Orders and Agency Representation in Hearings, 1200 TN RIII-138 (October 26, 2000).

Date June 21, 2004

/s/ Donald S. Welsh
Donald S. Welsh
Regional Administrator